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11 UNITED STATES DISTRICT COURT

12 DISTRICT OF NEVADA

13 BARAK ASULIN,)
14 Plaintiff,)
15 v.) Case No. 2:06-cv-383-RLH-RJJ
16 ALBERTO GONZALEZ, U.S.)
17 Attorney General, et al.,)
18 Defendants.)
19 _____)
20

21 ORDER ON

22 **DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT AS MOOT**

23 Federal Defendants, by and through Daniel G. Bogden, United
24 States Attorney for the District of Nevada, and Carlos A.
25 Gonzalez, Assistant United States Attorney, move this Court to
26 dismiss Plaintiff's Complaint for Declaratory and Injunctive
Relief and for a Writ in the Nature of Mandamus ("Complaint")
(#1).
27 . . .
28 . . .
29 . . .

This Motion is based on the Memorandum of Points and Authorities attached hereto.

DATED this 8th day of February, 2007.

Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

/s/ Carlos A. Gonzalez
Carlos A. Gonzalez
Assistant United States
Attorney

OF COUNSEL:

David L. Peters
Dept. of Homeland Security

MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND

Plaintiff filed his Complaint on March 28, 2006 (#1) and served the United States Attorney's Office ("USAO") by certified mail on March 29, 2006. The USAO forwarded Plaintiff's Complaint to the United States Citizenship and Immigration Services (the "CIS") for review of the Administrative Record and response upon receipt. Because the CIS has completed the relief requested by the Plaintiff, this case should be dismissed as moot.

II. ARGUMENT

The mootness doctrine applies to a complaint for which relief has already been granted. See *Idaho Dept. of Fish & Game v. National Marine Fisheries Service*, 56 F.3d 1071, 1074-75 (9th Cir. 1995). A case should be dismissed as moot when "there is no effective relief remaining for a court to provide." *GATX/Airlog Co. v. U.S. Dist. Court for Northern Dist. of California*, 192 F.3d 1304, 1306 (9th Cir. 1999) (citation omitted). See also, *State of Nev., ex rel. Nevada State Bd. of Agriculture v. United States*, 699 F.2d 486, 487 (9th Cir. 1983) (following the "general rule that when actions complained of have been completed or terminated, declaratory judgment and injunctive actions are precluded by the doctrine of mootness").

The CIS adjudicated Plaintiff's I-485 petition, Application To Register Permanent Residence or Adjust Status, on January 23, 2007. See attached Exhibit 1. The relief Plaintiff requested in his Complaint has been granted. Because "there is no effective

1 relief remaining for [this] Court to provide," Plaintiff's
2 Complaint should now be dismissed as moot.

3 **III. CONCLUSION**

4 The CIS having fully performed its duty pursuant to 28
5 U.S.C. § 1361, Plaintiff's Complaint should now be dismissed as
6 moot.

7 DATED this 8th day of February, 2007.

8 Respectfully submitted,

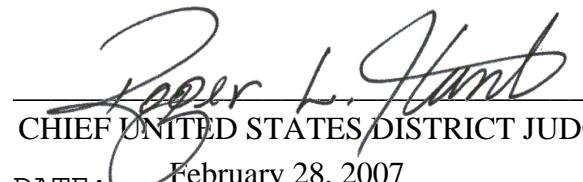
9 DANIEL G. BOGDEN
10 United States Attorney

11 /s/ CARLOS A. GONZALEZ
12 CARLOS A. GONZALEZ
13 Assistant United States
14 Attorney

OF COUNSEL:

14 David L. Peters, Esq.
15 Dept. of Homeland Security

17 IT IS SO ORDERED:

18 
19 CHIEF UNITED STATES DISTRICT JUDGE
20 DATE: February 28, 2007